

REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

DEFECTIVE OFFICE ACTION

Applicant respectfully submits that the Office Action dated 10 March 2005 is defective, in that the reference to Goodman *et al.*, US 5,666,487 A, is not of record in the application, and no listing of the reference is made in the Form PTO-892 attached to the 10 March Action.

In view of the fact that the 10 March Action correctly identified Goodman *et al.* sufficiently to allow Applicant to obtain the reference, Applicant respectfully submits that this is a complete and *bona fide* response to the defective Action.

ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

Applicant submitted an Information Disclosure Statement (IDS) with the present application on 3 December 2003 which completed all requirements under 37 CFR §§1.97 and 1.98. Applicant respectfully requests the Examiner to return an initialled copy of the Form PTO-1449 filed with the IDS, to indicate entry and consideration of the information listed thereon.

PENDING CLAIMS

Claims 24-46 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art,

scope or rejection, appropriate Claims have been amended, added or deleted in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 24-26, 38-33 and 35-43 remain pending in the application for consideration and examination.

DOUBLE PATENTING REJECTION - REJECTED CLAIMS CANCELED

The double patenting rejection of Claim 44 based on US 6,549,243 B1 as set forth at Item 2 on pages 2 and 3 of the Office Action is respectfully traversed. However, in view of the present cancellation of such claim (without prejudice or disclaimer), the rejection has presently been rendered obsolete, and accordingly, traversal arguments are not appropriate at this time. As a result of the foregoing, reconsideration and withdrawal of the double patenting rejection are respectfully requested.

REJECTIONS UNDER 35 USC §§102 AND 103 - TRAVERSED

All 35 USC rejections (*i.e.*, the 35 USC §102 rejection of Claims 24, 28-31, 35, 38, 42 and 44-46 as being anticipated by Goodman *et al.* (US 5,555,487 A); the 35 USC §103 rejection of Claims 25-27, 29, 32-34, 36, 37, 39-41 and 43 as being unpatentable over Goodman *et al.*) are respectfully traversed. Unrelated to any prior art, scope or rejection, Claims 44-46 are cancelled herein (without prejudice or disclaimer), which renders the rejection of such claims and traversal arguments

regarding them obsolete at this point in time. Based upon the following, reconsideration and withdrawal of the remaining rejections are respectfully requested.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed.

The requirements to support a rejection under 35 USC §102 as indicated in the decision of *In re Robertson*, 49 USPQ2d 1949 (Fed. Cir. 1999), require that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As set out in the decision *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988), the court points out that the PTO has the burden under §103 to establish a *prima facie* case of obviousness, and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. However, the cited prior art does not adequately support either a §102 anticipation-type rejection or a §103 obviousness-type rejection because it does not, at minimum, disclose (or suggest) the following limitations of Applicant's clarified claims as discussed by Applicant's foreign representative in support of traversal of the rejection and patentability of Applicant's claims.

One of the important features of the present invention is processing a plurality of signal formats about the video signal. However, Goodman *et al.*, and especially digital audio/video decoder 825, only discloses art which processes a NTSC signal. Accordingly, Goodman *et al.* does not teach or suggest the claimed feature of processing a plurality of signal format about the video signal (for example, RD/SD).

More particularly Goodman *et al.* does not disclose “a tuner which receives a multiplexed signal coded according to a predetermined format, the multiplexed signal having one of a plurality of different video signal formats including standard definition format and high definition format” or “a processor...which outputs the decoded signal as a video signal corresponding to a format, wherein the standard definition format or the high definition format coincides with the format of the received multiplexed signal,” as claimed in the clarified claims.

In view of the foregoing, Applicant respectfully submits that the differences between the claimed invention and Goodman *et al.* are clear, and the claimed invention is not anticipated or made obvious by Goodman *et al.*

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support either a §102 anticipation-type rejection or a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such §§102 and 103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment is being filed within the shortened statutory period for response set by the 10 March 2005 Office Action, and therefore, no Petition or

extension fee is required. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Further, no additional claims fees are required for entry of this paper. Please charge any actual deficiency in required fees for entry of this paper to ATS&K Deposit Account No. 01-2135 (as Case No. 501.36015CC2).

Respectfully submitted,



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